

LIBYA: PROGRESS ON THE PATH TOWARD CAUTIOUS REENGAGEMENT

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WEDNESDAY, MARCH 16, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:36 a.m. in room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

This is the second in a series of hearings conducted by the International Relations Committee on the United States' evolving relations with Libya. As we all know, an historic change occurred in late 2003, when, as a direct result of U.S. action against Sadaam Hussein, Libya voluntarily turned over information and materials related to its weapons of mass destruction programs to the international community.

Along with the President of the United States and many others, I believe it is crucial that the United States and the international community reward Libya for these actions because if for no other reason, such reward could powerfully influence other rogue regimes who are developing weapons of mass destruction, including Iran and North Korea.

However, the situation is not so simple. Libya's actions in other areas indicate that while it has done the right thing on weapons of mass destruction, it may continue to support terrorism. In the coming days, 13 men will go on trial in Saudi Arabia for attempting to assassinate the head of state of Saudi Arabia. Five of those men are Libyan, and all but one of those are Libyan intelligence agents. We should not underestimate how this plot, if successful, could have damaged U.S. interests.

While we have many differences with the Saudi Government, the stability of that nation is critical for both our economic and security interests.

Across the Middle East amazing things are happening. Iraqis will have an elected Government for the first time in their history. In Lebanon, decades of occupation may be coming to an end. In Egypt, steps are being taken toward genuine democracy.

As a wave of reform and democracy appears to be washing over the region, events in Libya must give us pause. What is the nature of the changes that are taking place there? Libya continues to be one of the world's most oppressive regimes.

Freedom House has given Libya the lowest possible rating in terms of political freedom and human rights, placing Libya on par with Cuba, Burma, North Korea, Sudan, and Syria.

In our race to reward the Libyans for their good behavior on the weapons front, we must be mindful not to undermine our greatest and most challenging objective in the region—the promotion of democracy, respect for the rule of law, and human rights. We also must not forget the victims of Libya's past terrorist aggression, including the victims of the 1986 LaBelle Discotheque bombing in Berlin and the 1988 Pan Am Flight 103 bombing over Lockerbie, Scotland. These are challenges this hearing will seek to address.

With that, I now turn to my esteemed colleague and friend, Mr. Tom Lantos, for such remarks as he may wish to make.

Mr. LANTOS. Mr. Chairman, I ask that my full statement be placed in the record because you are anxious to listen to Ambassador Burns. There are just a couple of things I would like to say.

I think Ambassador Burns deserves enormous credit and recognition for his path-breaking and singularly successful diplomatic work with respect to Libya. He is about to assume later this year the post of Ambassador of the United States to Moscow, where he has previously served with great distinction. I merely want to recognize his enormous contributions to our nation's diplomatic efforts and security concerns, and wish him the very best in his new endeavor.

I would also like to mention, Mr. Chairman, that I am today introducing the U.S.-Libya Relations Act, which I hope will continue to facilitate Libya's reintroduction into the community of civilized nations.

I listened with great care to your observations, and as always, they were thoughtful and serious. I think it is important, however, to recognize that on the basis of the best information we have, Libya has not participated or supported any terrorist activity since Colonel Gadhafi's statement in December 2003. While obviously there are many remaining problems in the field of human rights and democracy in Libya, these problems certainly are no more severe than the ones in Saudi Arabia, and should be put in the perspective of the region and the observance of human rights and the pursuit of democracy in neighboring countries.

I would like to mention one item, Mr. Chairman. I have been strongly preoccupied with the plight of the Bulgarian nurses who have been held in prison on charges which we view as false, and I believe the Libyan regime will go a long way toward rehabilitating itself if these long-suffering women are released so they may return to their families in Bulgaria.

I look forward to listening to Ambassador Burns.

Chairman HYDE. Thank you.

Our witness has a limited time availability, and we expect votes shortly, so with the indulgence of my colleagues, I will pass over the opportunity for 1-minute opening statements, and suggest that you can make your remarks when you are reached for questioning.

So with that, I want to express my pleasure at welcoming the Honorable William Joseph Burns to the Committee. He is currently Acting Under Secretary for Political Affairs at the State Department, and until a few weeks ago served as the Assistant Secretary

of State for Near Eastern Affairs, and was the primary interlocutor with Libya.

Ambassador Burns is a career member of the Senior Foreign Service, and has served a number of posts in Washington and overseas, including as the Ambassador to the Hashemite Kingdom of Jordan.

Ambassador Burns is an author, a scholar, and speaks Arabic, Russian, and French. You are most welcome Ambassador Burns, please proceed.

**STATEMENT OF THE HONORABLE WILLIAM J. BURNS, ACTING
UNDER SECRETARY FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. BURNS. Thank you very much, Mr. Chairman. It is a pleasure to be here again. With your permission, I will submit my written statement for the record, and just briefly summarize it at this point.

Chairman HYDE. Without objection.

Mr. BURNS. Mr. Chairman, I want to thank you for this opportunity to discuss our relations with Libya. In the last year and a half, as you and Mr. Lantos have said, Libya's actions to abandon weapons of mass destruction and meet its Pan Am 203 obligations have significantly advanced American as well as Libyan interests.

While many challenges remain, particularly in seeking progress on human rights, the achievements of the past 18 months owe much to the hard work of successive Administrations, Members of Congress, and the families of the victims of Pan Am 103 who together produced the principal tough-minded policy that helped lead Libya to a just course.

That same persistent, determined engagement will be essential if we are to sustain and expand these accomplishments in the years ahead.

The road before us is marked by both promise and difficulty. Libya has adhered scrupulously to its weapons of mass destruction commitments, and its dismantling of its previous programs has offered a powerful positive example to other countries.

Over recent years, Libya has also taken substantial steps to distance itself from its prior support of terrorist organizations, and has provided valuable cooperation in the global war on terrorism.

By contrast to its past behavior, Libya has begun to play a generally more constructive role in Africa, particularly in creating a humanitarian relief corridor for Darfur. It has provided financial assistance to the new Palestinian leadership, and it has decided to recognize and exchange diplomats with the new Iraqi transitional Government.

The United States has responded as President Bush promised we would by lifting a wide array of economic sanctions and moving toward a more normal relationship. Today, 19 American diplomats are posted at our liaison office in Tripoli.

Against this promising backdrop, which would have been hard to imagine a few years ago, there remain a number of very real concerns. We should have no illusions about them, and addressing them will require steady determination and candor.

As we made clear again this year in your *Human Rights Report*, Libya is still a repressive society. We have serious concerns over individual cases, such as the re-detention without charge of Fahti al-Jahmi, and the sentencing to death of the Bulgarian medics.

Libya can and should do more to meet its obligations to the international community, and to the aspirations of its own citizens.

Just as with any other country, the quality and pace of our relations will reflect the decisions that Libya makes on reforms and the expansion of political freedom. We have significant concerns on other issues too. One of them does involve allegations of a Libyan plot to assassinate Saudi Crown Prince Abdullah, about which many troubling questions remain.

The United States is committed to addressing these concerns thoroughly and methodically, and to building steadily upon the historic progress of the past year and a half as Libyan performance allows it. Although it will take hard work to resolve remaining issues, we hope Libya's actions will over time merit removal from the list of state sponsors of terrorism.

As our relationship matures, it may be possible later this year to reopen a full-fledged U.S. Embassy in Tripoli, which would provide a stronger and more visible platform for promoting our interests.

In the meantime, we will continue to hold Libya to its obligations to cooperate in good faith in the ongoing criminal investigation of Pan Am 103. We will urge it to uphold its policy of carrying out agreed-upon settlements and responding in good faith to legal cases brought by victims of terrorism.

Libya has paid more than \$2 billion to the families of the victims of Pan Am 103, and our consistent message to Libya's most senior officials is that Libya should continue to work with the families' representatives, and try to resolve other cases such as LaBelle as quickly as possible.

Mr. Chairman, let me close by expressing my appreciation for the efforts that you and your colleagues have made to promote American interests and values in our dealings with Libya. Visits like those of Mr. Lantos have been extremely useful in conveying to the Libyan leadership and the Libyan people an honest sense of what is possible, and how it can serve our mutual interests.

I urge you to continue your efforts. The Administration looks forward to continuing to work with you in a policy of careful, clear-eyed engagement with Libya, which has brought us substantial successes in recent years, and which, in my judgment, will be the key to navigating the formidable challenges and opportunities which lie ahead.

Thank you very much.

[The prepared statement of Mr. Burns follows:]

PREPARED STATEMENT OF THE HONORABLE WILLIAM J. BURNS, ACTING UNDER
SECRETARY FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF STATE

Thank you, Mr. Chairman, for this opportunity to discuss with you the progress and pace of developments in our relations with Libya. One year ago, I appeared before this committee and stated that Libya's historic actions to eliminate weapons of mass destruction and to reaffirm its renunciation of terrorism made it possible to say for the first time in 35 years that US-Libyan relations were on a path of gradual, step-by-step normalization.

I am pleased to report that the last twelve months have seen continued progress on commitments by Libya and a steady development in our bilateral relationship, which has enhanced US security and showcased to the international community the wisdom of Libya's decision to voluntarily renounce weapons of mass destruction and uphold global nonproliferation norms. I do not wish to minimize the challenges that remain before us. The United States and Libya do not see eye to eye on a number of issues and we still have concerns about some key Libyan policies. In particular, we continue to seek assurance that Libya has ended its support for terrorism, and to push for additional reforms in opening the political space in Libya and progress on respect for human rights, areas where much remains to be done. But the new US-Libya partnership, in which we can work through these issues together, is a tribute to the hard work of successive Administrations, members of Congress, and the families of the victims of Pan Am 103, who together produced the tough, principled policy that led Libya to rejoin the international community.

Today, weapons of mass destruction no longer pose a threat to the normalization of US-Libyan relations; to the contrary, we believe that Libyan actions to renounce WMD are a model for other states to emulate. Over a nine month period, from December 2003 to September 2004, Libya facilitated the removal of all critical elements of its declared nuclear weapons program, signed and implemented the IAEA Additional Protocol, acceded to the Chemical Weapons Convention, acknowledged Rabta's historical use as a chemical weapons facility and began a process of converting it to a pharmaceutical plant. Libya destroyed its chemical munitions, submitted a declaration of its chemical weapons, equipment and facilities to the Organization for the Prohibition of Chemical Weapons, acknowledged Rabta's historical use as a chemical weapons facility, and has begun a process of converting it to a pharmaceutical plant. It removed its Scud-C missile force, and agreed to eliminate its Scud-B missiles within a five-year period. Libya turned over nuclear weapons documentation, worked with the international community to remove highly enriched uranium, allowed unimpeded site access by international personnel, engaged in comprehensive discussions over the scope and intent of its WMD and missile programs, and pledged to halt all military trade with countries of proliferation concern. The international community's understanding of the global black market in the world's most dangerous technologies was aided considerably by the revelations that flowed from the Libyan program.

In response to these concrete Libyan actions, the US took equally important steps. We lifted the travel ban on Libya, reestablished direct diplomatic relations, rescinded U.S. sanctions that prohibited U.S. trade and investment, revoked the National Emergency, ended the application of the Iran and Libya Sanctions Act to Libya, and encouraged people-to-people exchanges in education and health. We unblocked Libya's frozen assets and welcomed Libya's application to the World Trade Organization. In order to demonstrate our full support for the resumption of economic relations, the President announced a policy of seeking a level playing field for US businesses in Libya by instructing US agencies to assist American firms, including by providing access to benefits from the Export Import Bank, OPIC, agricultural commodity credits and tax relief. In recognition that Libya had ended its weapons of mass destruction programs in a transparent manner, the President exercised his authority to waive additional sanctions that otherwise would have been generated by Libya's past nuclear activities.

The transformation of US-Libyan relations can be seen in the breadth of our dialogue and engagement with Libyan officials and society. Today, there are nineteen US diplomats posted in Tripoli, who daily interact with Libyan counterparts on the core issues that comprise our mutual agenda. These issues include reform and the need for greater individual freedom, counterterrorism and the resolution of outstanding US concerns, the Middle East peace process and support for the Palestinian Authority, Darfur relief and the implementation of the Sudan Naivasha peace accord, and Iraq and support for the Iraqi Transitional government. We are pleased by Libya's role in creating a humanitarian relief corridor to Chad and Sudan, and in reinforcing ECOWAS's call for democratic elections in Togo; we welcome the Libyan government's financial support of the Palestinian Authority and willingness to discuss compensation for Libyan Jews whose properties were expropriated under King Idris and following the 1969 revolution; and we view positively Libya's decision to recognize the upcoming Iraqi Transitional Government and to post diplomats in Baghdad that followed our strong protests over Libyan statements that defended insurgent attacks on Coalition forces. An important new actor in our dialogue with Libya is the US private sector, which will reinforce the message on the need for transparency, consistency, and rule of law to attract foreign investment to Libya.

Our goal is ambitious: when and if Libyan performance merits it, we would like to graduate Libya from the list of state sponsors of terrorism. However, to reach this goal will require time and hard work to resolve our remaining concerns. We recognize that over the past seven years, Libya has taken substantial steps to distance itself from its previous support of terrorist organizations. The Libyan leadership has commented publicly on the futility of terrorism as an instrument of foreign policy; in September 2003, it provided written assurances to the United Nations of its renunciation of terrorism; and in December 2003 it reaffirmed to us its commitment against the use of violence for political purposes.

Since September 11, 2001, Libya also has intensified its cooperation in the global war on terrorism and has provided significant assistance to the United States, which we value. Within this context, we have committed to engage with Libya in a methodical way to try to resolve our remaining concerns, including allegations of a Libyan plot to assassinate Saudi Crown Prince Abdullah. A central issue will be determining whether the motivations that led to Libyan activities against Saudi Arabia have ceased. As our relationship deepens and our confidence grows that Libya is adhering to its renunciation of violence for political purposes, we will look for ways to recognize this positive behavior. We will do so in close consultation with you over how best to move forward in a step-by-step manner.

We are also urging Libya to resolve the legacy of its support for terrorism. As a condition of the removal of the United Nations sanctions, for example, Libya is obligated to cooperate in good faith in the on-going criminal investigation of Pan Am 103. We consistently underscore this requirement, which Libyan officials acknowledge and have reaffirmed.

Similarly, Libya must address the remaining private claims against it in a constructive manner. Over the last year, settlements have been reached by Libya with a number of claimants, including non-American victims of the La Belle discotheque and the UTA bombings, and we understand other settlements may shortly be announced. Under the settlement with the Pan Am 103 families, Libya has paid more than \$2 billion. However, a number of claims have still not been addressed. While there are no outstanding U.S. court judgments against Libya, we have urged Libya to try to resolve these cases out of court where claimants have asked us to do so, in order to bring these issues to closure. We also are facilitating contacts between the representatives of the Pan Am families and Libya to discuss the possibility of new arrangements now that the escrow for that portion of the settlement tied to Libya's removal as a State Sponsor has lapsed.

When the United States unblocked Libyan assets, we sought and received an assurance from the government of Libya that it would adhere to its policy of carrying out agreed-upon settlements and respond in good faith to legal cases brought by victims of terrorism, including resulting judgments. We expect Libya to fulfill that commitment. Libya is aware that the assets it is introducing into the United States as economic relations are reestablished will be at risk if they do not do so.

Ultimately, the quality and tenor of our relationship will also reflect the decisions that Libya makes about internal reform. When it comes to the President's personal commitment to support the growth of democracy and freedom in the broader Middle East, there are no exceptions. As the President stated in December 2003, "should Libya pursue internal reform, America will be ready to help its people to build a more free and prosperous country." In consultation with the Committee's staff, we have examined ways to include Libya in the Broader Middle East and North Africa and Middle East Partnership Initiatives and are continuing a high-level dialogue on political, economic, and human rights reform. Soon, we will open an American Center in Tripoli, which will help to reach out to the Libyan people through speakers, educational counseling, and information about American ideals and policies.

We will continue to encourage Libya to uphold its international human rights obligations and to engage constructively with international organizations and non-governmental organizations. We will welcome positive steps taken by the government, such as its decision to invite Amnesty International to visit in February 2004 and to eliminate the People's Courts in January 2005. At the same time, we will express our deep concern over individual cases, such as the redetention of political opposition leader Fathi al-Jahmi and the sentencing to death of five Bulgarian and one Palestinian medic for the infection of over 400 children, in a deeply flawed and politicized legal proceeding.

The dozens of official US visitors to Libya from the Executive and Legislative branches over the past year are evidence of our willingness to respond positively to transformed Libyan policies. Congressional delegations, such as the multiple visits by Representatives Weldon and Lantos, also provide us with unparalleled opportunities to impart our values, to reinforce our interest in promoting the growth of indi-

vidual freedom, and to underline the importance of Libyan progress in these areas for the overall tenor of our bilateral relationship.

Upgrading our diplomatic mission from a Liaison Office to an Embassy and posting an Ambassador to Tripoli will provide us with a more visible platform to continue to pursue important bilateral objectives, including on human rights. If the spirit of partnership that we established in December 2003 continues we anticipate reopening a U.S. Embassy this year. We have identified a property for a permanent mission, and expect that US diplomats will be able to move out of hotel operations and into a temporary facility by winter 2005. Funding for a new embassy compound will be included in the 2007 budget request for security capital projects, with the permanent facility's opening envisioned in late 2009.

Mr. Chairman, the disarmament of Libya remains a signal accomplishment, but one that we must build on in order to achieve the ambitious agenda established by the President in the region. Only consistent and principled engagement will protect the historic breakthrough of last year and allow us to test Libya's renunciation of terrorism. Advancing these strategic objectives, while promoting individual rights and freedom in Libya, will require invigorated diplomacy, not disengagement. This will remain one of our most challenging relationships in the region. We will continue to consult closely with the Congress and this Committee to ensure that as Libya takes additional steps to meet its obligations to the international community and to its citizens, we recognize these accomplishments in a manner that best serves US national interests.

Chairman HYDE. Thank you, Ambassador. I just have one question.

What steps do you expect Libya to take to provide compensation for the victims of the LaBelle Discotheque bombing in 1986? Will Libya be removed from the state sponsors of terrorism list before the LaBelle victims are compensated? What can the State Department do to facilitate resolution of this important unfinished business?

Mr. BURNS. Mr. Chairman, as I suggested before, what we have done consistently with the most senior officials and the Libyan Government is to emphasize the importance we attach to Libya engaging in good faith with the victims and their families of those acts of terrorism. And that applies in the LaBelle case, just as it has in the Pan Am 103 case, and in the other cases which exist.

The Libyans, in the course of the release of the frozen assets in their country over the past year, did make an undertaking to us that they would act in good faith and engage with the families, the victims, and their representatives. That is a very important priority for the Administration as I know it is for you, and so we will continue to do everything we can to reinforce that point.

In the case of Pan Am 103, as you know, compensation was an obligation that the Libyan Government undertook. It is something that we strongly supported. The arrangement that was worked out between the representatives of the families and the Libyan leadership is an important step forward, and we have continued to urge that the Libyan Government move ahead on full implementation of that compensation arrangement.

Chairman HYDE. Well, thank you. I just hope that the Libyan Government is manifesting good faith as it negotiates—or has not negotiated lately—on the LaBelle situation. They have made promises to settle it, but time marches on. Thank you.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman, and thank you for your testimony, Mr. Ambassador.

As you know, countries such as North Korea are watching very closely to see what will happen to United States-Libyan relations

in light of Libya's historic decision to divest itself of all weapons of mass destruction and programs that could lead to weapons of mass destruction.

I take it from your testimony, Mr. Ambassador, that we have no evidence of Libyan participation in terrorist activities since the public declaration by Colonel Gadhafi in December 2003. Am I correct in this understanding?

Mr. BURNS. In the early part of December 2003, the Libyan leadership reaffirmed to us its commitment not to use violence for political purposes. I am not aware of any evidence since that time of Libya acting in a way contrary to that commitment.

Mr. LANTOS. And am I correct in assuming that we are satisfied with respect to Libya's policy of having abandoned a program of developing weapons of mass destruction?

Mr. BURNS. Yes, sir. Libya, to my knowledge, has adhered scrupulously to the commitments that it undertook as a matter of its own self-interest in December 2003.

We had a team out talking to the Libyans as recently as this past week, and I think they came away impressed once again with the follow-through from the Libyan side on those obligations.

Mr. LANTOS. But it seems to me, Mr. Secretary, that it is time now to turn the page. If we are dealing with past misbehavior, and certainly there was a great deal of past misbehavior on the part of Libya, there certainly was enormous misbehavior, incredibly greater misbehavior, on the part of Nazi Germany. Yet once a new Government came into office and policies changed, we developed a brand new policy. This was equally true with respect to Japan.

Hopefully, we will be able to persuade countries which historically have supported or participated in terrorist activities, such as Iran—which is the principal supporter of Hezbollah, a U.S.-designated terrorist organization, and which, in our judgment, are demonstrating an interest to develop weapons of mass destruction—that should Iran give up support for terrorism and abandon its programs aimed at developing weapons of mass destruction, a new era of relations would be ushered in between the United States and Iran.

Now, it seems to me that one of the problems we will have in persuading others to follow the Libyan example is if we set the goals too high with respect to Libya.

You know as well as I do that not only the Libyans but others are asking the question, "What has Libya gained from making an 180-degree turn in its foreign policy, and in its security policy, in its policy with respect to weapons of mass destruction?"

So with all respect for you personally, I merely urge the Administration not to allow the Saudi-Libyan dispute, which may go on ad infinitum and ad nauseam, to stand in the way of moving toward normalization of relations between the United States and Libya.

As you know, Mr. Secretary, Mr. Chirac of France, Tony Blair of the United Kingdom, Schroeder of Germany, and Berlusconi of Italy, have all made trips to Tripoli. To the best of my knowledge, and with my great respect, you were the highest ranking American Administration official to visit Libya in recent years.

I think it is important for us not only to applaud, with reservations, the new Libyan policies, but also to take the kinds of effec-

tive actions which are clearly in the United States' national security interest, in the interest of our energy future, and in the interest of our ability to develop a multi-faceted relationship with Libya involving students, tourism, businessmen and others. I would be grateful for your comments.

Mr. BURNS. Well, Mr. Chairman—Mr. Lantos, first,—

Mr. LANTOS. Not yet. Not yet.

Mr. BURNS [continuing]. I entirely agree about the powerful positive example that Libya's decisions in December 2003 on weapons of mass destructions have provided. I also believe that the progress that Libya has made in moving decisively out of the business of terrorism over a period of some years also offers a positive example. It is very much in the interests of the United States and the international community to provide positive reinforcement for that as Libyan performance allows, and that is what we have tried to do, as you know, over the course of the last 18 months in lifting a wide array of economic sanctions.

Libya was in many respects the most heavily sanctioned—in bilateral terms—country in the world, and that has opened up opportunities. We also hope it will open up opportunities for economic reform in Libya so that tangible benefits will flow to Libyan citizens.

In the course of this, we also have engaged at a high level. Secretary Powell did meet the Libyan foreign minister in New York last September, and we are also very mindful, as I suggested in my opening statement and as I know this Committee is, of areas of concern in Libya. But like many other relationships around the world, we are determined to work through those in a very clear-eyed way so that we build on the areas of opportunity, particularly in weapons of mass destruction, so that we build a powerful positive example for other countries. And we are also candid and direct in expressing our concerns, whether it is about human rights or other kinds of activities, and that is sometimes a difficult balance to strike, but I think it is very much in the interests of the United States to continue to move in that direction.

Chairman HYDE. Ambassador, we have three votes pending, so we will recess while we go vote, and we hope you can stay. And I ask the Members to return very promptly after their vote so we can continue with this witness.

The Committee stands in recess.

[Recess.]

[Whereupon, at 11:45 a.m., due to a series of Floor votes, the Committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

RESPONSES FROM THE HONORABLE WILLIAM J. BURNS, ACTING UNDER SECRETARY FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Question:

What is the timeline for restoration of full relations between the U.S. and Libya, including the appointment of an Ambassador and the construction of an Embassy in Tripoli?

Response:

If the spirit of cooperation established in December 2003 continues, we could reopen a U.S. Embassy in Tripoli during calendar year 2005, pursuant to congressional notification. An Embassy is a valuable platform for the advocacy of our ideals and policies. We continue to look for ways to reach out to the Libyan people, through exchanges and educational programs, and expect to open a cultural center this spring.

We have identified property in Tripoli for construction of a permanent mission and anticipate moving our operation from the hotel to temporary office space on the construction site in late 2005 or early 2006. Funding for a new mission compound will be included in the 2007 budget request for security capital projects, with the permanent facility's opening envisioned in late 2009.

Question:

What specific steps must Libya undertake to be removed from the list of State Sponsors of Terrorism? Has the Administration established a timeline for removing Libya from that list? Does that timeline coincide with the deadline established in the Lockerbie settlement, whereby the families of the victims will receive additional compensation if the United States removes Libya from the list of State Sponsors of Terrorism by a certain date?

Response:

Under the applicable legislation, the President may rescind Libya's designation by certifying to Congress that Libya has not provided any support for international terrorism during the preceding 6-month period and has provided assurances that it will not support acts of international terrorism in the future.

The U.S. and Libya have begun a dialogue to address outstanding concerns over past Libyan support for terrorism. Whether this will provide a basis for rescission of Libya's designation, and if so, when, will depend upon U.S. national interests and Libyan performance.

While Libya has taken important steps over the years to distance itself from terrorist organizations and to cooperate in the global war on terrorism, the U.S. still has serious concerns over the 2003 plot to assassinate the Saudi Crown Prince and Libya's residual contacts with Palestinian rejectionist organizations.

Question:

Recent news reports indicate that Libya was plotting the assassination of the head of state of Saudi Arabia at exactly the same time it was turning over plans and material related to its weapons of mass destruction programs. How will these reports impact your decision making on whether or not to remove Libya from the State Sponsors of Terrorism list?

Response:

While the U.S. and Libya have begun a dialogue on outstanding issues related to past Libyan support for terrorism, we continue to have serious concerns, including over Libyan involvement in a 2003 plot to assassinate the Saudi Crown Prince and residual contacts with past terrorism clients.

This is an issue that we have taken seriously and that we have raised repeatedly with the Libyan Government. It is one that we continue to explore with the Libyan Government.

In December 2003, Libya provided direct assurances that it does not support the use of violence for political purposes. In 2004, Libya held to its practice in recent years of curtailing support for international terrorism, and the U.S. continues to evaluate its 2003 assurances. Libya has also cooperated with the U.S. in a meaningful way in the war on terrorism.

Question:

According to the Washington Post, a Libyan Colonel, Mohammed Ismail, worked with a Saudi dissident, Saad Faqih in the conspiracy to assassinate Crown Prince Abdullah. The government of Saudi Arabia has accused Faqih of having close ties to Al Qaeda. The U.S. Treasury Department, according to the Post, has accused Faqih of paying for Osama bin Ladin's satellite phone which was linked to the East Africa embassy bombings of 1998. Given all of this, do you believe there are links between the Libyan government and Al Qaeda? Has the U.S. government sought to arrest or detain Saad Faqih, who reportedly is living in London?

Response:

The Libyans see al-Qa'ida, and particularly the al-Qa'ida affiliated group, the Libyan Islamic Fighting Group (LIFG), as a serious threat to their own security.

The U.S. government designated Sa'ad Faqih under Executive Order 13224 on December 21, 2004 for providing material support to al-Qa'ida and Usama bin Ladin. The UN placed Mr. Faqih on the consolidated sanctions list created under UN Security Council Resolution 1267 on December 23. These two designations disrupt the financial support network for terrorists and terrorist organizations.

For more specific information on whether the USG has sought to arrest or detain Saad Faqih, we refer you to the Department of Justice.

Question:

Libya denies playing a role in the assassination plot against Crown Prince Abdullah. Have they explained to the State Department what four Libyan intelligence agents, now under arrest and about to go on trial, were doing in Saudi Arabia in November 2003, just days before Muammar Gaddafi made his historic WMD announcement?

Response:

The U.S. and Libya continue to engage in a dialogue to address the allegations of Libyan involvement in the assassination plot against Crown Prince Abdullah.

The Libyan government has taken significant steps to repudiate its past support for terrorism. But we have also made clear that we need to see its pledge to avoid the use of violence for political ends sustained, and carried out effectively.

Question:

Gaddafi recently told Time Magazine that his relationship with Crown Prince Abdullah is "a good one." Do you believe that?

Response:

Public recriminations at the 2004 Arab League Summit between Qadhafi and Crown Prince Abdullah and the subsequent reports of Libyan involvement in a plot to assassinate the Crown Prince suggest otherwise. We have made clear to Libya that it must satisfy us that it stands by and is complying with its December 2003 pledge to halt all uses of violence for political purposes.

Question:

The lifting of sanctions related to the bombing of Pan Am flight 103 over Lockerbie, Scotland, was tied not only to Libya's acceptance of responsibility and the provision of compensation to the families of the victims, but also to Libya's cooperation in the investigation beyond the two suspects who already have been tried. Has Libya cooperated fully with the FBI investigation? What is the status of the investigation?

Response:

Libya has repeatedly acknowledged and reaffirmed its commitment to cooperate in good faith with the ongoing investigation. I would refer you to the Department of Justice for details on the investigation.

Question:

Under the terms of their settlement, the families of the victims of the Pan Am 103 bombing will receive an additional \$2 million each if Libya is removed from the State Sponsors of Terrorism list by a date certain. Following two previous extensions, the deadline for Libya's removal from that list reportedly was March 17th. Given the fact that Congress must be notified 45 days prior to the removal of any country from the State Sponsors list, it would be impossible to meet that deadline. Will the Libyans extend a third time?

Response:

The Pan Am 103 escrow agreement originally was set to expire in April 2004. The parties agreed to extend the escrow seven times, until February 17, 2005, when it terminated. We have encouraged Libya to meet with the families' representatives and agree to resuscitate the escrow agreement. We remain in close contact with the families' attorneys and continue to work to facilitate contact with the Libyan side.

Question:

What steps do you expect Libya to take to provide compensation to the victims of the LaBelle Discotheque bombing of 1986? Will Libya be removed from the State Sponsors of Terrorism list before the LaBelle victims receive compensation?

Response:

When the United States unblocked Libyan assets, we sought and received an assurance from the government of Libya that it would adhere to its policy of carrying out agreed-upon settlements and respond in good faith to legal cases brought by victims of terrorism, including resulting judgments. We expect Libya to fulfill that commitment. Libya is aware that the assets it is introducing into the United States as economic relations are re-established will be at risk if they do not do so.

Any decision to rescind the state sponsor designation will be based upon the U.S. national interest and Libyan performance addressing our outstanding concerns related to activities against Saudi Arabia and in resolving the legacy of its support for terrorism. We will consult closely with the Congress on how best to move forward in a step-by-step manner.

There are currently no court judgments in the La Belle or other terrorism-related cases pending in the U.S. courts against Libya. Unlike Iran, Libya has retained counsel and is actively participating in our court system. Where claimants have requested us to do so, we have urged Libya to pursue out of court settlements and have furnished information to senior Libyan officials, as well as explained the benefits of responding to these initiatives.

Question:

Has France resolved all of its compensation issues with Libya regarding the terrorist bombing of UTA Flight 772 over Niger in 1989?

Response:

The UTA settlement reached last year in France provided compensation for all non-U.S. claimants. The seven U.S. claimants did not participate in the French settlement and are litigating in U.S. courts. We are not aware of any outstanding compensation issues between the Government of France and Libya.

Question:

In your testimony before this committee last year, you stated, "The tenor of our bilateral relationship and the pace and degree to which relations are normalized will reflect Libyan actions to reform its political and economic system, to institute and respect human rights, and to play a constructive role in the region." What performance-based benchmarks have been set for Libya in these areas prior to a full normalization of US-Libyan relations? Has Libya met any of these benchmarks to date?

Response:

Aside from restrictions associated with its terrorist-state designation, Libya is potentially subject to sanctions triggered by specific negative behaviors, such as prohibitions on assistance triggered by gross violations of human rights. Since the establishment of a high-level political dialogue in February 2004, we have emphasized to Libya that the quality and warmth of our bilateral relations will be influenced strongly by the decisions it makes with respect to modernizing its political and eco-

conomic systems, and by the rights it provides its citizens. As President Bush said in welcoming Libya's December 2003 decision to abandon his WMD and missile programs, "should Libya pursue internal reform, America will be ready to help its people build a more free and prosperous country."

Libyan officials have stated publicly the need for economic and judicial reform, but have defended their "jamahiriyah" system of "grass roots" democracy and continue to suppress any opposition to Colonel Qadhafi's rule. In January, the General People's Congress (GPC) approved a measure abolishing the so-called People's Courts, an extrajudicial body used to try opponents of the regime. The Libyan Prime Minister, Shukri Ghanem, has laid out a program for economic reform that calls for transparency, the elimination of corruption, and privatization of state-owned enterprises, and has criticized the resistance within the Libyan bureaucracy to these reform measures. Libya has taken tentative steps toward reaching out to the international NGO community, by hosting visits by Amnesty International, Physicians for Human Rights, and Human Rights Watch.

As we have discussed with Committee staff members, we see an opportunity to include Libya in Middle East Partnership Initiative programs, to broaden our engagement on reform beyond government officials, and to encourage specific reform measures.

We are pleased by Libya's cooperation with the World Food Program to establish a humanitarian relief corridor for Darfur refugees in Chad and Sudan, and in reinforcing ECOWAS' call for democratic elections in Togo. We welcome Libya's financial support for the Palestinian Authority and its willingness to discuss compensation for Libyan Jews whose property was expropriated under King Idris and following the 1969 revolution. We also take a positive view of Libya's decision to recognize the Iraqi Transitional Government and to post diplomats in Baghdad.

Question:

According to the State Department's most recent report on Human Rights Practices, Libya is a "dictatorship" which suppresses domestic opposition, restricts freedom of speech, press, assembly, association, and religion, denies basic worker rights, and uses torture and forced labor. In seeking to reward Libya for its good behavior on the WMD-front, are we compromising our commitment to fostering democracy across the Arab world?

Response:

Our engagement with Libya provides us a useful platform from which to promote a wide range of American values and interests, including democracy. U.S. diplomats in Tripoli interact daily with their Libyan counterparts on our core agenda: reform, the need for more individual freedom, counterterrorism and the resolution of outstanding U.S. concerns, the Middle East Peace Process and support for the Palestinian Authority, Darfur relief and the implementation of the Sudan Naivasha peace accord, and Iraq and support for the Iraqi Transitional Government.

We will soon open an American Center in Tripoli, which will help us reach out to the Libyan people through speakers, educational counseling, and information about American ideals and policies. We are also examining ways to include Libya in the Broader Middle East and North Africa and Middle East Partnership Initiatives and are continuing a high-level dialogue on political, economic, and human rights reform.

Question:

Through his involvement in the proliferation of small arms throughout West Africa and support for former Liberian President Charles Taylor—an indicted war criminal—Colonel Qadhafi has played a significant role in the destabilization of West Africa. In March of last year, the chief prosecutor for the Special Court of Sierra Leone, David Crane, asserted that his investigations have revealed that, "up until [2003], there was a 10-year plan to take down Liberia, Sierra Leone, Cote d'Ivoire, then move to Guinea and then elsewhere . . . [and] the 10-year plan was to put in surrogates who were beholden to Muammar Qadhafi." Now that there are three United Nations peacekeeping missions present in the region, has Qadhafi finally cut-off support for Taylor and other malcontents in the region? Has he committed to play a constructive role in Africa?

Response:

Historically, Libya's policies in Africa were destabilizing and caused us great concern. More recently, we have seen a general trend toward more constructive behavior and an increased willingness to cooperate with the United States. While there is still a great deal of distrust of Qadhafi among Africans, complaints about recent activities are increasingly rare.

There has been no evidence of Libyan support for Charles Taylor since he went into exile in Nigeria in August 2003. Qadhafi refused to grant Taylor asylum and has refused requests for assistance from others on Taylor's behalf.

Libya has cooperated with the World Food Program to establish a humanitarian relief corridor for Darfur refugees in Chad and Sudan, reinforced ECOWAS' call for democratic elections in Togo, and suspended its support for the Mugabe regime in Zimbabwe.

Mauritanian allegations of Libyan involvement in a coup plot against the government remain unsubstantiated. Qadhafi also refrained from interfering in the Central African Republic when his longstanding ally, President Patasse, was deposed.

We understand that the Prosecutor of the Special Court investigated Qadhafi for his actions in West Africa. However, we are unaware of a systematic Libyan plan to destabilize West African regimes.

Question:

As recently as the spring of 2003, Qadhafi was calling upon Arab oil-producing states to join an oil embargo against the United States. What assurances do we have that Qadhafi will not attempt to use oil as a weapon against the United States now that sanctions have been lifted, U.S. oil companies have returned, and Libya has the opportunity to acquire the oil technology it so richly desires?

Response:

In the intervening two years, U.S.—Libyan relations have improved substantially. Anti-U.S. rhetoric has dramatically decreased in the wake of Qadhafi's strategic decision to pursue rapprochement with the U.S. and the West. Talk of embargoes has given way to plans for doubling Libyan oil production in the next few years. In January, U.S. firms won 11 of 15 oil exploration contracts. Libya seeks American expertise and technology in order to reverse the effect of decades of sanctions.

Question:

How much and what types of assistance are planned for Libya in 2005 and 2006, including assistance provided through the Middle East Partnership Initiative?

Response:

With the resumption of government to government discussions in 2004, the Department of State, Bureau of Educational and Cultural Affairs (ECA) and Bureau of International Information Programs (IIP) have provided funding for public diplomacy programs in Libya starting in FY 2005 and plan to continue these efforts in FY 2006. To date ECA has funded a Voluntary Visitor program, initiated plans for English teaching programs, worked closely with the Educational Testing Service (ETS) to offer standardized testing for U.S. university admission, and offered opportunities for Libyans to participate in the International Visitor program. IIP has initiated a U.S. Speakers program and plans to establish an American Corner by this summer.

As the Department briefed HIRC staff, it may seek a waiver of the statutory restrictions on foreign assistance to Libya to program FY 2005 foreign operations resources to include Libyans in various Middle East Partnership Initiative (MEPI) ongoing programs. Inclusion in such programs would increase Libya's exposure to democratic principles and practices and to help renew bilateral educational ties, supporting a push for indigenous reform across a broad spectrum. Pending the removal of restrictions on foreign assistance for Libya in FY 2006, MEPI would plan to include Libya in all relevant reform programs.

In FY2006, ECA plans to continue support for English teaching in Libya, include Libyan undergraduate students in ECA regional exchange programs, and offer a small pilot exchange program for Libyan graduate students to study in the U.S., using the Fulbright model.

Question:

Are we giving any consideration to granting Libya security guarantees as a result of its decision to dismantle its weapons programs?

Response:

The U.S. did not commit to provide Libya with security assurances in return for its elimination of weapons of mass destruction. As a non-nuclear weapon state, Libya benefits from the positive and negative assurances provided by nuclear weapons states under UN Security Council Resolutions.

Question:

Is the Administration using Libya as a model for trying to roll back the WMD programs of other countries? If so, which countries and on what timetables? Is Syria

on this list of candidate countries? How similar or dissimilar are the case of Iran and North Korea?

Response:

Libya is probably the best model for how a country can renounce the pursuit of weapons of mass destruction (WMD) and take important steps to rejoin the international community. The Libya effort is a model in a number of respects:

- the success of a WMD-renunciation commitment made without preconditions or reciprocal promises apart from the understanding that Libya's good faith would be returned;
- negotiating and implementing a cooperative work plan, that called for expeditiously removing those items of greatest proliferation risk from Libya on a priority basis;
- identifying the scope of Libya's programs so as to better understand the extent of those programs and the procurement network supporting them;
- assisting the Libyans in their treaty and safeguards-mandated interactions with the IAEA and the OPCW;
- obtaining the data necessary to determine whether Libya had truly eliminated its WMD programs, an effort during which Libya provided full access to people and facilities; and, importantly,
- receiving an assurance from Libya that it would cut off trade in military goods and services with countries of proliferation concern—for example Syria, Iran, and North Korea.

Above all, the Libya case presents an illustration of the value of a clear strategic commitment to renouncing WMD and to full adherence to and compliance with international arms control and nonproliferation agreements. All of the successes of the joint Libya/U.S./UK elimination and verification program flowed from the strength of Libya's December 2003 commitment to abandon WMD and long-range missiles.

Libya should serve as a model for other countries for all these reasons. The key to making this model a success elsewhere will be working with all the tools available, on our own and in coordination with friends and allies, to bring about the conditions in which rogue states—including Iran, North Korea, and Syria (all of which possess or are pursuing various types of WMD)—will understand it to be in their interest to make a similar strategic commitment. Each set of circumstances is different, and the paths to each such commitment will vary and move at differing speeds. Achieving WMD elimination in rogue states that are not ultimately willing to make such a commitment would be even more challenging and dangerous.

RESPONSES FROM THE HONORABLE WILLIAM J. BURNS, ACTING UNDER SECRETARY FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE TED POE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Question:

As a former criminal court judge, I have dealt with outlaws all my life. Although Libya says, "I'll try to do better," that's not good enough. We need to see results. Before we start upgrading diplomatic relations with Libya, shouldn't Libya (1) reform its government, (2) address its current human rights abuses, and (3) stop undermining United States policy in Africa with regards to the War on Terror?

Response:

There is no question that Libya needs to address its abominable human rights record and undertake serious reforms. Our experience over the last six years is that tough, painstaking, and performance-based diplomacy yields results. Since the establishment of a high-level political dialogue in February 2004, we have emphasized to Libya that the quality and warmth of our bilateral relations will be influenced strongly by the decisions it makes with respect to modernizing its political and economic systems, and by the rights it provides its citizens. As we have discussed with Committee staff members, we see an opportunity to include Libya in Middle East Partnership Initiative programs, to broaden our engagement on reform beyond government officials, and to encourage specific reform measures. As the President said on December 19, 2003 in welcoming Libya's announcement that it would dismantle its WMD and missile programs, "As the Libyan government takes these essential steps and demonstrates its seriousness, its good faith will be returned. Libya can

regain a secure and respected place among the nations, and over time, achieve far better relations with the United States,” and, “. . . old hostilities do not need to go on forever.”

Libya is an increasingly important partner in the global war on terrorism and we value its cooperation. As the Country Reports on Terrorism states, “In 2004, Libya held to its practice in recent years of curtailing support for international terrorism,” and “. . . has provided cooperation in the global war on terrorism.” We continue to have serious concerns over its involvement in the alleged assassination plot against Saudi Crown Prince Abdullah, and have an on-going dialogue with Libyan officials to discuss these and other issues.

Question:

If we prematurely normalize trade and diplomatic relations with Libya, how else are we going to encourage Libya to reform and stop their human rights abuses?

Response:

Our engagement with Libya has been a measured, step-by-step process. As the President said on December 19, 2003 in welcoming Libya’s announcement that it would dismantle its WMD and missile programs, “As the Libyan government takes these essential steps and demonstrates its seriousness, its good faith will be returned. Libya can regain a secure and respected place among the nations, and over time, achieve far better relations with the United States.” In lifting the economic sanctions and taking gradual steps to improve diplomatic ties, we fulfilled the President’s pledge to respond in good faith to the concrete actions taken by Libya to dismantle its WMD and missile programs.

While the U.S. has eased certain sanctions against Libya to encourage its disclosure and dismantling of weapons of mass destruction, substantial sanctions remain, including overlapping prohibitions on foreign assistance and restrictions on the use of dual-use items with military potential. Libya’s designation as a state sponsor triggers other restrictions as well: it is ineligible for duty free treatment under the Generalized System of Preferences; it is denied jurisdictional immunity in U.S. courts; its citizens are subject to special visa scrutiny; and it remains subject to sanctions triggered by specific negative behaviors, including gross violations of human rights.

PREPARED STATEMENT OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, in December 2003, Libyan leader Muammar Qadhafi made a historic decision. He decided to dismantle his weapons of mass destruction and turn them over to his longtime nemesis, the United States. With that decision, Colonel Qadhafi fundamentally changed the regional security situation, his nation’s diplomatic standing, and the economic outlook for the Libyan people.

And, most important, he established a model for rogue nations around the world. For, while the Libya breakthrough is significant in its own right, it also has much broader implications. If the United States can convince other nations to follow Libya’s example, we can fundamentally improve U.S. national security interests, save countless lives, and change the fate of millions now living under repressive regimes.

I’d like to see the Administration take full strategic advantage of this historic opportunity.

When Libya made its announcement about renouncing WMD, President Bush said—and I quote—“. . . (L)eaders who abandon the pursuit of chemical, biological and nuclear weapons, and the means to deliver them, will find an open path to better relations with the United States and other free nations . . . ”

Mr. Chairman, we need to do a better job of implementing the President’s pledge. We need to promote the “Libya model” as a model for US relations with rogue proliferator states, like North Korea and Iran.

Proliferators must understand that a definitive end to their weapons of mass destruction activities will bring about a new era of positive relations with the United States. And the whole world must see that the United States keeps its word. I don’t know if other proliferators will be tempted by the Libya model, but we’ll never know if we don’t use Libya as a true model.

We have certainly taken some actions that respond positively to Libya’s gesture, but we have not done as much as is warranted by the magnitude and historic nature of this opportunity.

That is why I will introduce today the “US-Libya Relations Act,” which is intended to reinforce US and Libyan commitments to one another, strengthen bilat-

eral relations, facilitate the integration of Libya into the international community, and encourage positive change in Libyan society.

This bill fully implements the President's promise that countries that relinquish weapons of mass destruction will find an "open path" to better relations with United States. This bill foresees a variety of benefits for Libya—support for US investment and trade with Libya, increased educational exchanges and other forms of people-to-people diplomacy, and promotion of political liberalization in Libya.

I want this act to serve as a model for other rogue nations that want to come in from the cold—that want to end their isolation and impoverishment, as Colonel Qadhafi wanted to. Mr. Chairman, there are two types of regime-change. A regime can be changed by others, or it can change itself. Rogue states need to know that both options are on the table.

Mr. Chairman, I recognize that this bill might provoke some opposition on two bases—terrorism and human rights. First, as we all know, Libya remains on the State Department's list of state sponsors of terrorism. But my understanding, based on conversations with numerous U.S. government officials, is that Libya no longer sponsors international terrorist groups, and, in fact, has been very helpful to us in fighting the global war on terrorism. Let me make clear that my bill does not call on the Administration to remove Libya from the terrorism list one second earlier than is warranted by the facts.

Second, Mr. Chairman, I have a lifelong commitment to human rights, and my bill emphasizes the importance of supporting human rights in Libya both through dialogue and through deed. We are unwavering in our commitment to American values, but, in the interests of promoting the Libyan model and world peace, we should not put bilateral relations on ice until freedom and democracy have been fully achieved.

Mr. Chairman, President Bush is right to offer proliferators a new lease on life. Now we must make sure we follow through on his pledge. That is exactly the spirit that motivated his response to Colonel Qadhafi in December 2003, and that is exactly the spirit that motivates the US-Libya Relations Act I am introducing today.

Mr. Chairman, I would like to give an especially warm welcome today to our witness, Bill Burns. I have been fortunate to work very closely with Bill in his capacity as Assistant Secretary of State for Near Eastern Affairs, and in his previous postings in the Middle East, and I look forward to maintaining this close relationship as Bill and his family moves to Moscow. Bill is a man of keen intellect, great stamina, and sound judgment, and we all greatly appreciate his enormous contributions to American policy in the Middle East.

Thank you, Bill, and thank you, Mr. Chairman, for calling today's hearing.

PREPARED STATEMENT OF THE HONORABLE DAN BURTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

Mr. Chairman, thank you for convening this important and timely hearing to highlight the progress being made by the government of Libya as they begin to embrace the spirit of democracy that is now spreading throughout the broader Middle East. Over two years ago, the United States and a brave coalition of allies—31 Nations strong—launched a bold military campaign that resulted in the liberation of some 50 million people. In the process, the U.S.-led Coalition toppled the oppressive Taliban regime in Afghanistan, and overthrew the brutal dictator Saddam Hussein in Iraq. As a result of our actions, Colonel Muammar al-Qadhafi shortly thereafter declared his intention to halt further production of weapons of mass destruction.

In late December 2003, Libyan Foreign Minister al-Rahman Shalgam announced that Libya was finally ending its chemical and nuclear weapons programs, which ultimately led to the dismantlement of its weapons facilities. This was a historic voluntary first step to end a dangerous and unnecessary nuclear and chemical weapons program. Moreover, Libya invited international inspectors—from the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons—to verify that the programs were terminated, which was a crucial gesture in Libya's acceptance that they need to be a more transparent nation. Last year these IAEA inspectors discovered evidence that North Korea—in 2001—sold nearly two tons of uranium hexafluoride, a key element necessary to make an atomic bomb, to Libya. This discovery provided critical new evidence that Kim Jong Il's weapons program is more advanced than previously suspected, and is helping investigators to unravel a labyrinth of WMD proliferation that threatens global security.

On January 14, 2004, Libya announced that it would join the Chemical Weapons Convention and ratify the nuclear test ban treaty. It is my sincere belief, Mr. Chair-

man, that Libya's decision to dismantle their nuclear weapons program, along with the United States' fierce determination to promote freedom throughout the world, will have a resounding impact on other rogue terrorist states. In fact, we are already seeing signs of this impact, as evidenced by the meeting between Libyan and Israeli officials in late 2003. Moreover, I was pleased to see that in November 2004, the United States was permitted to transport desperately needed emergency supplies across Libya, ultimately relieving some of the suffering in Sudan's war-torn Darfur province.

Mr. Chairman, these initial signs of cooperation and reform from Col. Qadhafi to dissolve Libya's nuclear weapons program and cease production of other weapons of mass destruction are promising. However, I strongly believe that we must not forget Libya's past support of terrorist activities: the 1979 burning of the United States Embassy; the 1981 assassination attempts on President Ronald Reagan; the myriad air battles and incidents between the United States and Libya; and—most importantly—the bombing of Pan Am Flight 103, which killed 270 innocent civilians and devastated thousands of their relatives, friends, and fellow countrymen. As we move forward in building diplomatic relations with Libya, the U.S. must remain committed to ensuring that the Libyan government accomplishes much more, especially with respect to human rights and the rule of law.

Mr. Chairman, I am cautiously optimistic of Col. Muammar al-Qadhafi's recent statement on March 2, 2005, to the General Peoples' Congress, stating that Libya and the United States are not enemies and that—in fact—he hoped that one day the two nations would be able to work together in peace. While Libya is taking modest first steps towards democratic reform and progress, Col. Qadhafi must continue to prove his commitment to political freedom and democracy. This is especially important now that the seeds of democratic change are taking hold in parts of the Islamic world. Genuine support of the Middle East peace process from the Organization of Islamic Conference and the Arab League is crucial, and we must encourage Col. Qadhafi to play a constructive role.

Once again Mr. Chairman, I thank you for holding this important and timely hearing. I look forward to hearing from the witnesses and hope—by the days end—that we will have a better understanding of how best to move forward in our relationship with Libya and Col. Qadhafi.

